

ORDINANCE No. _____

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE, ENTITLED, "ZONING," ARTICLE I, ENTITLED, "IN GENERAL," SO AS TO CREATE NEW §24-8A ENTITLED, "APPLICABILITY OF SPECIAL CONDITIONS," TO REQUIRE COMPLIANCE WITH MASTER PLAN SPECIAL CONDITIONS ON APPROVALS OF APPLICATIONS FOR LOCAL MAP AMENDMENTS, SKETCH PLANS AND SCHEMATIC DEVELOPMENT PLANS, CONCEPT PLANS (CD ZONE), OPTIONAL METHOD AND SPECIAL EXCEPTION, AND FURTHER TO AMEND ARTICLE V, ENTITLED, "SITE DEVELOPMENT PLANS," §24-107A ENTITLED, "SPECIAL CONDITIONS," TO CONFORM TO NEW §24-8A OF CHAPTER 24.

Text Amendment T-360

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, Maryland, in public meeting assembled that Chapter 24 of the City Code (City Zoning Ordinance), Article I is hereby amended to create new §24-8A to read as follows:

ARTICLE I. IN GENERAL

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Sec. 24-8A. Applicability of Special Conditions.

The city council and the city board of appeals as applicable, may approve a local map amendment, sketch plan, schematic development plan, concept plan (CD Zone), optional method application, special exception or amendment thereto for properties specifically identified in a master plan or amendment thereto having special conditions or requirements for the development and use thereof or special conditions or requirements as to availability of public facilities only upon a finding that said local map amendment, sketch plan, schematic development plan, concept plan (CD Zone), optional method application, special exception or amendments thereto is consistent with the conditions and requirements specified in the master plan or amendment regarding said property.

The special conditions and requirements for the development and use of these properties or public facilities requirements applicable thereto shall be imposed and set forth in the master plan or amendment thereto only after notice to the property owner and general public and a public hearing thereon as part of the master plan process. All such application and plan approvals shall be subject to enforcement procedures and requirements applicable to violations of this Chapter 24 as established by this Code.

The provisions of this section shall apply only to master plans and amendments thereto adopted after December 24, 1984.

BE IT FURTHER ORDAINED, by the Mayor and Council of the City of Gaithersburg in public meeting assembled that Chapter 24 of the City Code (City Zoning Ordinance), Article V, §24-170A is hereby amended to read as follows:

ARTICLE V. SITE DEVELOPMENT PLANS

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Sec. 24-170A. Special Conditions.

The city planning commission may approve a site development plan for properties specifically identified in a master plan or amendment thereto having special conditions or requirements for the development and use thereof, or special conditions and requirements as to availability of public facilities only upon a finding that said site development plan is consistent with the conditions and requirements specified in the master plan or amendment regarding said property.

The special conditions and requirements for the development and use of these properties or public facilities requirements applicable thereto shall be imposed and set forth in the master plan or amendment thereto only after notice to the property owner and general public and a public hearing thereon as part of the master plan process. All such site development plans shall be subject to enforcement procedures and requirements applicable to site development plans generally as established by this Code.

The provisions of this section shall apply only to master plans and amendments thereto adopted after December 24, 1984.

ADOPTED this ____ day of _____, 2003, by the City Council of Gaithersburg, Maryland.

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this ____ day of _____, 2003, APPROVED/DISAPPROVED by the Mayor of the City of Gaithersburg, Maryland, this ____ day of _____, 2003.

SIDNEY A. KATZ, Mayor

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the ____ day of _____, 2003, and the same was approved by the Mayor of the City of Gaithersburg on the ____ day of _____, 2003. This Ordinance will become effective on the ____ day of _____, 2003.

DAVID B. HUMPTON, City Manager